

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NAVIGATORS SPECIALTY INSURANCE
COMPANY, a New York corporation

No. C 10-03689 WHA

Plaintiff,

v.

**NOTICE REGARDING
STIPULATED REQUEST
TO STAY ACTION**


AAA ENERGY SYSTEMS, INC., a
California corporation; DRY CREEK
INN, LP, a California Limited Partnership;
and DOES 1–10,

Defendants.

Plaintiff Navigators Specialty Insurance Company and defendant AAA Energy Systems, Inc. filed a stipulated request to stay this insurance-coverage action pending resolution of an appeal from the underlying state court action (Dkt. No. 27). Their request represents that defendant Dry Creek Inn, LP was “offered an opportunity to stipulate to this Stay” but “has not agreed to do so.” NSIC and AAA Energy Systems attempt to solve this problem by further stipulating “that Dry Creek Inn shall be dismissed without prejudice from this action.” This solution is inadequate.

Unless and until NSIC files a proper notice of dismissal pursuant to FRCP 41, Dry Creek remains a party to the action. So long as Dry Creek remains in the action and refuses to stipulate to a stay, the other parties’ stipulated request for a stay will not be granted.

Dated: June 21, 2011.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE